

TITLE 25. LAND DEVELOPMENT

CHAPTER 25-13. AIRPORT HAZARD AND COMPATIBLE LAND USE REGULATIONS

ARTICLE 1. GENERAL PROVISIONS.

§ 25-13-1 DEFINITIONS.

In this chapter:

- (1) AIRPORT means Austin-Bergstrom International Airport.
- (2) CONTROLLED COMPATIBLE LAND USE AREA has the meaning ascribed to it by Local Government Code Chapter 241.
- (3) NONCONFORMING, when used in reference to a land use, structure, or object of natural growth, means a land use, structure, or object of natural growth that on the date this chapter became applicable to it:
 - (a) did not comply with the requirements of this chapter;
 - (b) complied with all other applicable City regulations; and
 - (c) for a structure, the Federal Aviation Administration had issued a determination of "no hazard" under Code of Federal Regulations Title 14, Part 77.
- (4) STRUCTURE means a temporary or permanent object constructed or installed by one or more persons and includes a building, tower, smokestack, overhead transmission line, mobile object, and earth formation.
- (5) YEARLY DAY-NIGHT AVERAGE SOUND LEVEL means a sound level that is determined in accordance with Code of Federal Regulations, Title 14, Part 150.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-2 ESSENTIAL COMMUNITY PURPOSE.

The airport fulfills an essential community purpose.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-3 ADMINISTRATION AND ENFORCEMENT.

The Watershed Protection and Development Review Department is responsible for administering and enforcing this chapter.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-4 BOARD OF ADJUSTMENT.

The Board of Adjustment shall, in accordance with Local Government Code Chapter 241, Subchapter C, hear and decide:

(1) an appeal from an order, requirement, decision, or determination made by the director in the enforcement of this chapter; and

(2) a request for a variance from a requirement of this chapter.

Source: Ord. 010809-78; Ord. 031211-11.

ARTICLE 2. HEIGHT LIMITS AND AIRPORT HAZARDS.

§ 25-13-21 IMAGINARY SURFACES AND AIRPORT HAZARD ZONES DESCRIBED.

(A) Code of Federal Regulations Title 14, Part 77, Subpart C establishes the following imaginary surfaces for the airport:

- (1) approach surface;
- (2) conical surface;
- (3) horizontal surface;
- (4) primary surface; and
- (5) transitional surface.

(B) Airport hazard zones are established as follows:

- (1) land beneath an approach surface is included in an approach zone;
- (2) land beneath a conical surface is included in a conical zone;
- (3) land beneath a horizontal surface is included in a horizontal zone; and
- (4) land beneath a transitional surface is included in a transitional zone.

(C) The airport hazard zones described in this section are depicted on an Airport Hazard Zone Map on file with the City Department of Aviation.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-22 HEIGHT LIMITS.

(A) Except as provided in Subsection (B) and [Article 4](#) (*Nonconforming Uses, Structures, And Objects; Marking And Lighting*), a person may not allow a structure or object of natural growth to exceed the height limits of this subsection.

(1) For an approach zone, the maximum height coincides with the elevation of the approach surface.

(2) For a conical zone, the maximum height coincides with the elevation of the conical surface.

(3) For a horizontal zone, the maximum height coincides with the elevation of the horizontal surface.

(4) For a transitional zone, the maximum height coincides with the elevation of the transitional surface.

(B) The height limits of Subsection (A) do not apply to a structure or object of natural growth with a maximum height of 50 feet above the natural ground level.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-23 AIRPORT HAZARDS DESCRIBED AND PROHIBITED.

(A) An airport hazard is a land use, structure, or object of natural growth located in the controlled compatible land use area that:

(1) exceeds the height limits of Section [25-13-22](#) (*Height Limits*);

(2) interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft;

(3) interferes with a pilot's ability to distinguish between airport lights and other lights, results in glare in the eyes of a pilot, or impairs visibility in the vicinity of the airport;

(4) creates a wildlife hazard, as defined by Code of Federal Regulations Title 14, Part 139; or

(5) otherwise endangers or interferes with the landing, taking off, or maneuvering of an aircraft.

(B) Except as provided in [Article 4](#) (*Nonconforming Uses, Structures, And Objects; Marking And Lighting*), a person may not create or maintain an airport hazard.

Source: Ord. 010809-78; Ord. 020418-18; Ord. 031211-11.

ARTICLE 3. COMPATIBLE LAND USES.

§ 25-13-41 AIRPORT OVERLAY ZONES.

(A) Within the controlled compatible land use area, the following airport overlay zones are created:

(1) Airport overlay zone one (AO-1) consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 70 decibels and not more than 75 decibels.

(2) Airport overlay zone two (AO-2) consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 65 decibels and not more than 70 decibels.

(3) Airport overlay zone one (AO-3) consists of the portions of the controlled compatible land use area that have a yearly day-night

average sound level of less than 65 decibels and are located within approximately one-half mile of the 65 decibel contour line.

(B) The controlled compatible land use area and the airport overlay zones are depicted on the Austin-Bergstrom International Airport Land Use Map on file with the City Department of Aviation. The director of the Department of Aviation shall determine the location or meaning of a boundary or other feature on the map.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-42 RESTRICTION ON LAND USES.

In the controlled compatible land use area, a person may not engage in a land use unless:

- (1) the land use is permitted under this article; and
- (2) in the zoning jurisdiction, the land use is permitted under Chapter [25-2](#) (*Zoning*).

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-43 DETERMINATION OF LAND USE CLASSIFICATION.

The director shall determine the appropriate land use classification for an existing or proposed use or activity.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-44 AIRPORT OVERLAY LAND USE TABLE.

(A) The Airport Overlay Land Use Table in Subsection (C) prescribes the land uses that are permitted, permitted under certain conditions including noise level reduction measures, or prohibited in the airport overlay zones. Chapter [25-12](#), [Article 1](#), [Division 2](#) (*Noise Level Reduction Measures For Certain Airport Compatible Land Uses*) prescribes the noise level reduction measures required by this section for certain land uses.

(B) In the Airport Overlay Land Use Table:

(1) "P" means the land use and related structures are permitted.

(2) "P-25db" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of [25](#) decibels are required for a structure.

(3) "P-30db" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 30 decibels are required for a structure.

(4) "P-25db certain areas" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of [25](#) decibels are required for

a portion of a building that is a public reception area, an office, a noise sensitive area, or an area where the normal noise level is low.

(5) "P-sound system" means the land use and related structures are permitted, but a special sound reinforcement system is required.

(6) "P-25db residential" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels are required for a residential building.

(7) "P-30db residential" means the land use and related structures are permitted, but measures to achieve a minimum outdoor-to-indoor noise level reduction of 30 decibels are required for a residential building.

(8) "R" means that the land use and related structures are restricted by Section [25-13-45](#) (*Residential And School Uses In Airport Overlay Zone Three*).

(9) "X" means the land use and related structures are prohibited.

(C) Airport Overlay Land Use Table.

Land Use	AO-1	AO-2	AO-3
<i>Residential Uses</i> All residential	X	X	R
<i>Public Uses</i> Schools Hospitals and nursing homes Churches, auditoriums, and concert halls Government services Transportation Parking	X P-30db P-30db P-25db P-25db certain areas P-25db certain areas	X P-25db P-25db P P P	R P-25db P-25db P P P
<i>Commercial Uses</i> Hotel or motel Offices, business and professional Wholesale and retail - building materials, hardware, and farm equipment Retail trade - general Utilities Communication	P-30db P-25db P-25db certain areas P-25db P-25db certain areas	P-25db P P P P P	P-25db P P P P P

	P-25db		
<i>Manufacturing and Production Uses</i> Manufacturing, general Photographic and optical Farming, ranching, and forestry Mining and fishing, resource production and extraction	P-25db certain areas P-25db P-30db residential P	P P P-25db residential P	P P P-25db residential P
<i>Recreational Uses</i> Outdoor sports arenas and spectator sports Outdoor music shells, amphitheaters Nature exhibits and zoos Amusements, parks, resorts, and camps Golf courses, riding stables, and water recreation	P-sound system X X P P-25db	P-sound system X P P P	P-sound system X P P P

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-45 RESIDENTIAL AND SCHOOL USES IN AIRPORT OVERLAY ZONE THREE.

(A) This section applies to a residential use or a school use located in airport overlay zone three.

(B) The uses are permitted only on property that:

- (1) is included in a recorded final plat on August 20, 2001;
- (2) is located in a municipal utility district on August 20, 2001; or
- (3) is located in a neighborhood plan combining district on December 31, 2001.

(C) Except as provided in Subsection (D), the noise level reduction measures prescribed by Section [25-12-12](#) (*Measures To Achieve A Noise Level Reduction Of 25 Decibels*) are required.

(D) This subsection applies to a structure constructed before August 20, 2001.

(1) Noise level reduction measures are required. For the original structure, this requirement is satisfied by:

- (a) compliance with the Energy Code in effect on August 20, 2001; or

(b) incorporation of measures to achieve an outdoor-to-indoor noise level reduction of at least [25](#) decibels, as determined by the building official.

(2) A portion of the structure that is replaced, rebuilt, or expanded must comply with the noise level reduction measures prescribed by Section [25-12-12](#) (*Measures To Achieve A Noise Level Reduction Of [25](#) Decibels*).

(E) A use or related structure that does not meet the requirements of this section is prohibited.

Source: Ord. 010809-78; Ord. 031211-11.

ARTICLE 4. NONCONFORMING USES, STRUCTURES, AND OBJECTS; MARKING AND LIGHTING.

§ 25-13-61 LIMITATION ON REQUIREMENTS FOR NONCONFORMING USES, STRUCTURES, AND OBJECTS.

Except as otherwise provided in this article, this chapter does not require:

- (1) a change in a nonconforming land use;
- (2) the removal, lowering, or other change of a nonconforming structure or object of natural growth; or
- (3) any other interference in the continuation of a nonconforming land use.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-62 ABANDONMENT OF NONCONFORMING LAND USE.

A person may not resume a nonconforming land use that the director determines has been abandoned.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-63 REPLACEMENT OF NONCONFORMING OBJECTS OF NATURAL GROWTH.

A person may not replace a nonconforming object of natural growth that has been removed or destroyed.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-64 NONCONFORMING STRUCTURES.

(A) Except as otherwise provided in Subsection (B) and Section [25-13-82](#) (*Restriction On Permits*), a person may repair, replace, rebuild, or expand a nonconforming structure. The portion of a nonconforming structure that is replaced, rebuilt, or expanded must comply with the noise level reduction measures prescribed by [Article 3](#) (*Compatible Land Uses*), if any.

(B) Maintenance or improvement of a nonconforming structure that is prohibited by [Article 3](#) (*Compatible Land Uses*) is limited to:

(1) that required by law to comply with minimum health and safety standards; and

(2) the implementation of outdoor-to-indoor noise level reduction measures.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-65 MARKING AND LIGHTING.

The director or the Board of Adjustment may require as a condition of approval of a permit or variance that the owner of a structure or object of natural growth install, operate, and maintain on the structure or object of natural growth any markers and lights necessary to indicate to aircraft the presence of an airport hazard.

Source: Ord. 010809-78; Ord. 031211-11.

ARTICLE 5. PERMITS.

§ 25-13-81 PERMIT REQUIRED.

(A) Except as provided in Subsection (B), a person must obtain a permit under this chapter from the director before the person may:

(1) construct a new structure;

(2) substantially change or repair an existing structure;

(3) establish a new use, or substantially change an existing use;

(4) replace, rebuild, or substantially change or repair a nonconforming structure;

(5) replace, substantially change, allow to grow higher, or replant a nonconforming object of natural growth.

(B) A permit under this chapter is not required for a structure or object of natural growth that:

(1) is not more than 75 feet in height above the natural ground level;

(2) does not exceed the height limits of Section [25-13-22](#) (*Height Limits*); and

(3) is permitted under Section [25-13-42](#) (*Land Uses*).

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-82 RESTRICTION ON PERMITS.

The director may not issue a permit that allows:

(1) the establishment of an airport hazard described in Section [25-13-23](#) (*Airport Hazards Described And Prohibited*);

(2) the establishment of a use that is prohibited by, or does not conform to the requirements of, [Article 3](#) (*Compatible Land Uses*);

(3) the height of a nonconforming structure or object of natural growth to become greater than:

(a) the height on the date this chapter became applicable to it; or

(b) if the height has been reduced since that date, the height on the date of the permit application; or

(4) a nonconforming structure, object of natural growth, or use that is an airport hazard to become a greater hazard than:

(a) the hazard presented on the date this chapter became applicable to it; or

(b) if the degree of the hazard has been reduced since that date, the hazard presented on the date of the permit application.

Source: Ord. 010809-78; Ord. 031211-11.

§ 25-13-83 PERMIT ISSUANCE.

The director shall issue a permit if the application complies with the requirements of this chapter.

Source: Ord. 010809-78; Ord. 031211-11.